

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of February 1, 2011 Meeting

Present: Jina Karampetsos, John Bart, Mark Enander, David DeAngelis, Barry Nickerson, John D. Barr, Anthony DeSisto (Town Solicitor)

Excused: Lori Lyle

Minutes

Motion made and seconded to approve the Minutes from the September and October 2010 and January 2011 meetings. Motion carried by all present.

Correspondence: None

Other:

Chair introduced and welcomed new member John D. Barr who will serve remainder of former Member McNamara's term. Member Barr's term will start with the March meeting.

Applications:

Vicki Casto, 90 Grandview Avenue, Lincoln, RI – Application for Dimensional Variance seeking relief for the construction of a second

story to home that is non-conforming by dimension.

AP 8, Lot 111 Zoned: RS 12

Chair informed applicant that because there was not a quorum present of members who heard the application in January, they had a choice of continuing the application to the March agenda or presenting the application for hearing to those members present. Applicants opted to present their application before the members present.

Chair read into the record standards that need to be met for a Dimensional Variance.

Applicants addressed the Board stating they want to construct three additional bedrooms, one bathroom and recreation room. The family has grown with 3 children and the additional space is needed. Chair inquired why not place addition to rear of property. Applicant replied does not go with the flow of the house and would need to demolish existing deck and patio.

Applicant informed the Board that there is existing rear deck is 20'x30' and steps down to another deck. Existing lavette will be turned into a hallway to access addition. What they are proposing is best option.

Witness:

John Hoyle, Jr. – Consultant to Applicants

Mr. Hoyle informed the Board that the house belonged to applicant's grandfather. The house is very small at 1,272 s.f. and the applicant needs to expand and add approximately 800 s.f. to accommodate the family. There will be a total of 5 bedrooms, 2 full baths on the second floor and one bath on the lower level. They are only seeking side yard relief and no front yard relief is required. Submitted into the record photos of the existing house as Exhibit #1 and correspondence from neighbor in favor of application as Exhibit #2 at the January meeting. Neighbor hand-delivered letter to applicant. Rear of the property slopes downward with an existing pool and that is the reason for expanding up and not outward.

Exterior and roofing of new addition will match existing house.

No opposition present

Chair read into the record Technical Review Committee/Planning Board recommendation

This application was continued from the January 4, 2011 Zoning Board hearing. The Board asked the applicant to provide additional floor plans. At the time of the Technical Review Committee meeting, the applicant had not delivered the requested plans to the Town. Therefore, the Technical Review Committee could not offer a new recommendation.

Original Recommendation - Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of the application for a dimensional variance seeking relief for the construction of a second story to home that is non-conforming by dimension. The TRC would like to point out to the Board that the application does not identify the amount or location of the variances needed to correct the pre-existing non-conforming setback dimensions or any new dimensional variances needed. The Technical Review Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. The applicant did not offer any compelling reasoning for their request within their application. Also, the submitted package does not include a professionally developed and stamped site plan according to State law. The Technical Review Committee feels that the current site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.

Motion made by Member Enander to approve the application seeking 10' west side; 10' east side rear corner; 14' east side front corner; and 16' east side setback relief. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. Applicant needs**

additional living space for growing family.

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan. Other homes in area similar to what they are proposing.**
- The relief requested is the least relief necessary. Needs additional space for growing family.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

Motion seconded by Member Nickerson. Member Barr did not vote on this application. Motion carried with a 5-0 vote.

Proposed zoning ordinance amendments and application updates.

Russell Hervieux, Zoning Official, discussed the process that brought the Board to making updates to the applications. The changes are mostly to make the applications more orderly and easier to

understand. The major changes were discussed in detail which was in addition to former assistant to the Town Solicitor Joelle Sylvia's recommendations. There will be two application forms for an appeal. One form will be for an appeal of the Planning Board and the other will be for an appeal of a Town Official. The Dimensional Variance, Special Use Permit and Use Variance applications will be modified to have current information on front of application and proposed information on the rear. The application for "Relief Under Mapped Street Ordinance" will be eliminated as this is actually a dimensional variance. All applications will have the Town Council district number added to them. There were also some grammatical updates that will be made. Chair Karampetsos asked all members to review the applications and submit any recommended changes to the Zoning Official by February 12, 2011. The updated applications will be reviewed at next month meeting.

Chair asked that election of the officers be placed on the March agenda.

Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Enander. Motion carried with a 5-0 vote.

Respectfully submitted,
Ghislaine D. Therien
Zoning Secretary